Missouri Law Review

Volume 26
Issue 4 *November 1961*

Article 5

1961

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SENATOR THOMAS C. HENNINGS, JR., AND THE SUPREME COURT

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One of the closest calls for our historic system of government, with its three coordinate federal branches, came not in time of war at the hands of a foreign enemy, but within the United States Senate in late August 1958, when the nation was at peace with the world. The late Thomas C. Hennings, Jr., then senior Senator from Missouri, was captain of the hard pressed forces that narrowly turned back a vindictive band of senatorial colleagues bent on depriving the United States Supreme Court of jurisdiction in vital areas as a means of punishing the summit of the judiciary for handing down decisions to which angry elements in Congress were bitterly opposed. Without Senator Hennings and his vigilance and persistence the battle might very well have been lost.[1]

Two major anti-Supreme Court groups combined in the second session of the 88th Congress (1957-1958) for the purpose of taking cases of widespread public interest and importance out of the Supreme Court's hands.[2] One congressional element, reflecting sectional antipathy, was hostile to the highest bench because of the decision, four years earlier, which had the effect of outlawing racial segregation in publicly supported schools. Another element, which included some northern Republicans as well as southern Democrats, presented itself as being outraged by a series of decisions in cases dealing with aspects of national security.

Since Senator James O. Eastland of Mississippi, a leading figure in both groups, was chairman of the Senate Committee on the Judiciary, Senator

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*A.B., University of Illinois, 1927; Nieman Fellow, Harvard University, 1938-1939; Editor of the editorial page, St. Louis Post-Dispatch, 1949-1957; Trustee, University of Illinois; among many other honors Mr. Dilliard received the ABA Silver Gavel Award, 1959.

1. Dilliard, *Hennings Leader in Fight That Beat Back Jenner-Butler Reprisal on the Supreme Court,* The Post-Dispatch (St. Louis), Oct. 9, 1958, § 3, p. 1C, col. 1. This was one of a series of six articles on the congressional assault on the Supreme Court which was awarded the American Bar Association's Silver Gavel Award of 1959.

2. An excellent account of this controversy, step by step, is to be found in PRITCHETT, CONGRESS VERSUS THE SUPREME COURT: 1957-1960 (1961). See especially chs. three and four. Short of the *Congressional Record* itself, this writer knows of no account so detailed and accurate.

Hennings, as a high ranking Democratic member of the same committee, was in a key position to be helpful as a defender and protector of the Supreme Court against its detractors. It was rare good fortune for the tripartite form of national government that Senator Hennings could speak and act with the force and influence of a member of the Judiciary Committee.

To appreciate the magnitude of the public service of Senator Hennings in this long, hard, bruising battle, it is necessary to know in summary form at least the shape of the attack on the Supreme Court and the steps leading up to the dramatic last week of the 1958 session.

The *Yates*[3] and *Watkins*[4] decisions, handed down June 17, 1957, touched off the storm. In *Yates* the Supreme Court reversed the convictions of the so-called second string Communist leaders in California and remanded the case to the United States District Court with instructions to enter judgments of acquittal as to certain of the defendants and to grant a new trial for the rest. Subsequently the Department of Justice decided against new trials so all the defendants went free. Some critics of the Supreme Court saw in this decision reversal in part at least of the decision in the original Smith Act case, *Dennis v. United States*.[5] In *Watkins,* the Supreme Court dealt, for the first time in a major way, with the investigative authority of the House Committee on Un-American Activities. Acting on the appeal of an Illinois labor union officer from a conviction based on his refusal to answer certain questions, the Supreme Court reversed on the ground that a congressional investigating committee must, upon objection of a witness as to pertinency, state for the record the subject under inquiry at the time and the manner in which the propounded questions are pertinent.

There were strong dissents in both cases and in little more than a month the opposition in Congress was combined in a bill introduced by Senator William E. Jenner of Indiana. The Jenner bill undertook to use the authority given Congress by the Constitution to regulate the appellate jurisdiction of the Supreme Court. According to the Constitution, the appellate jurisdiction of the Supreme Court is to be exercised "with such exceptions, and under such regulations as the Congress may make."[6]

Senator Jenner's proposal was to withdraw five areas from the Supreme Court's historic appellate jurisdiction. As it happened, in every one of these areas the Supreme Court had handed down one or more decisions to which

3. Yates v. United States, 354 U.S. 298 (1957).
4. Watkins v. United States, 354 U.S. 178 (1957).
5. 341 U.S. 494 (1951).
6. U.S. CONST. art. III, § 2.

Senator Jenner objected. The effect of his proposal was to ask Congress to make it impossible for the Supreme Court to decide such cases in the future.

The Jenner bill would have taken from the Supreme Court appellate jurisdiction in these five areas[7]:

First, admissions to the practice of law in the State courts.

Second, functions and practices of congressional committees and subcommittees, the jurisdiction of such committees or any action or proceeding against a witness charged with contempt of Congress.

Third, administration by the executive branch of the Government of its employee loyalty-security program.

Fourth, State action by executive regulation or statute for the purpose of controlling subversive activities within the State.

Fifth, rules, bylaws and regulations of school boards and similar educational agencies relating to subversive activities among teachers.

It was at once evident that not only was this bill drastically punitive but that it would alter fundamentally the role of the Supreme Court in the national life. Some amendments to the United States Constitution have looked to far less change. Nothwithstanding this, the subcommittee hearing lasted hardly a day after which the subcommittee reported the bill favorably to the full committee. At this point Senator Hennings contributed a major first defense of the Supreme Court. At his urging, the full Judiciary Committee sent the bill back to the subcommittee for hearings that would befit the consideration of a measure so revolutionary. The session was near its end and this put the bill on the shelf for the rest of 1957.

Space is lacking for us to follow all the changes in the legislation proposed and debated during the next year. Many amendments were offered, some with the intent of keeping this legislative attack on the Supreme Court alive. Senator John Marshall Butler of Maryland was a leader in this amending process and he had as a major purpose the provision of remedies of other kinds for the objections embodied in the original Jenner bill.

About halfway through the 1958 session, new fuel was fed to the fire when the Supreme Court decided the passport case of *Kent v. Dulles.*[8] The essence of the decision was that the Supreme Court found no statutory authority for the State Department's refusal to issue certain passports. This led the State Department to assert that a dangerous emergency had been created and that an immediate remedy by Congress was required. Legis-

7. S. 2646, 85th Cong., 1st Sess. (1957).
8. 357 U.S. 116 (1958).

lation was drawn and strongly recommended by President Eisenhower. Favorable committee action was forthcoming in the House, but in the Senate, Missouri's Hennings was one of those who saw to it that there was no hasty committee action.

In other areas the Supreme Court also was sharply critized at this time. One of these was in criminal procedure, largely because of the decision in *Mallory v. United States*.[9] In that ruling a rape conviction was struck down because the defendant had not been arraigned within a reasonable time after his arrest. This decision gave rise to a House measure known as the anti-Mallory bill.[10] It passed the House overwhelmingly and was among the bills pending in the Senate at the start of the last week of the 1958 session.

Also passed by the House was the broad preemption bill known as H.R. 3, to limit federal judicial review of alleged conflicts between federal and state laws as well as to restore the Pennsylvania State sedition law voided by the Supreme Court, and a bill to extend the federal security-loyalty system to nonsensitive jobs.[11] The bill to establish the State Department's control over passports was still under consideration in the House.[12]

In the Senate the passport bill was still in committee, but the other legislation had been favorably reported, including the Jenner-Butler omnibus bill which had been voted out by the Judiciary Committee, 10 to 5, more than three months earlier. Many influential Senators were behind the Jenner-Butler bill, among them Richard B. Russell of Georgia, and there was strong pressure on Majority Leader Lyndon B. Johnson of Texas to bring it up. To avert a split among the Democrats, Johnson decided against taking up the Jenner-Butler bill and agreed instead to allow three other bills, including the habeas corpus and the anti-Mallory bills, to be called. Senator Hennings was in a group of Senators—others included were Paul H. Douglas of Illinois, Estes Kefauver of Tennessee, Hubert Humphrey of Minnesota and Wayne Morse of Oregon—who informed Majority Leader Johnson that he could expect a fight against the anti-Supreme Court legislation.

The Johnson strategy did not work. Instead of passing the three bills quickly and going on to pending foreign aid legislation, the Senate got into

9. 354 U.S. 449 (1957). For Senator Hennings' admirable statement of his opinion of this controversy see, Hennings, *Detention and Confessions: The Mallory Case*, 23 Mo. L. REV. 25 (1958).
10. H.R. 11477, 85th Cong., 2d Sess. (1958).
11. S. 1411, 85th Cong., 1st Sess. (1957).
12. H.R. 13760, 85th Cong., 2d Sess. (1958).

a prolonged debate over the anti-Mallory bill. In the end it was passed,[13] but only after the generation of so much heat that the backers of the Jenner-Butler bill insisted on a chance to vote on it. When Johnson called up a non-controversial bill concerning federal appellate procedure in cases involving the orders of certain administrative agencies,[14] the Senator from Indiana offered the Jenner-Butler bill as an amendment. Joined by Senator Butler, Senator Jenner made a long speech for the bill. The major answer came from Senator Hennings who was supported on the Republican side by Senator Wiley of Wisconsin. Senator Hennings then moved to table the Jenner amendment and this carried 49 to 41.[15] A change of only five votes from the majority to the minority would have reversed the result.

The next bill taken up had as its purpose restoration of State authority in the control and punishment of subversive activities,[16] an area marked off for the federal government by the Supreme Court in its decision in the *Nelson* case.[17] As soon as the anti-Nelson bill was before the Senate, Senator John L. McClellan of Arkansas offered H.R. 3, the broad preemption measure, as a substitute. Senator Hennings was a leader in the debate against the change and in due course moved to table the McClellan substitute. Five fewer Senators voted at this time than had voted on the Jenner amendment and the Hennings motion to table was defeated, 39 to 46.[18] Backers of H.R. 3 sought to push on to victory, but Senator Hennings assisted the Majority Leader in obtaining adjournment. It was 11:30 at night and the membership generally was weary after long debate and tense roll calls that had kept an extraordinarily large number of Senators on the floor or close at hand.

That was the way August 20, 1958, ended on Capitol Hill. The next morning the two sides took up where they had left off just before midnight. The strong probability was that the anti-Nelson bill would have passed had it stood alone. But the move of Senator McClellan to revive H.R. 3 brought out more opposition. This time, Senator John A. Carroll of Colorado, who had been working with Senator Hennings in the Judiciary Committee and on the floor, moved to recommit the amended bill to the Judiciary Committee.

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13. 104 CONG. REC. 18520 (1958).
14. H.R. 6789, 85th Cong., 1st Sess. (1957).
15. 104 CONG. REC. 18687 (1958).
16. S. 654, 85th Cong., 1st Sess. (1957).
17. Pennsylvania v. Nelson, 350 U.S. 497 (1956).
18. 104 CONG. REC. 18748 (1958).

Much of the rest of that day went into obtaining the votes to carry the motion to recommit. Senators Hennings, Carroll, Douglas, Kefauver and others worked with Majority Leader Johnson in establishing a majority. Late on the night of August 21 the vote on the motion to recommit was taken and won by the hairline of 41 to 40.[19] A change of just one vote from the majority to the minority would have kept the bill before the Senate, and, of course, it is impossible to determine what might then have happened. Subsequently the passport bill died in Senate Committee and the anti-Mallory bill, which had to go to conference, was turned down on a point of order raised on the grounds that the conferees had gone beyond their duty in recasting the measure.[20] As the second session of the 85th Congress ended every one of the bills aimed in anger at decisions of the Supreme Court had been rejected.

The major role of Senator Hennings in producing this most gratifying result is clear from the record as recounted. At one point the Missouri Senator took notice of the Communist danger and said the way to meet it was "with the weapons of free men."[21] He told his colleagues in the Senate:

> . . . True, the methods of tyranny would be far more effective in meeting this danger, but our forefathers have set our course and we must continue along this path of liberty and justice.[22]

An analysis of the voting in the Senate on these critical roll calls provides another measure of the work which Senator Hennings did, particularly among the Senators on his side of the aisle.[23] A merging of the votes on the several Supreme Court bill tests shows that 41 Senators (27 Democrats and 14 Republicans) took a pro-Supreme Court position on all roll calls. It shows also that 39 Senators (21 Republicans and 18 Democrats) took an anti-Supreme Court position each time. Among those voting with Senator Hennings on these vital tests was a young Senator from Massachusetts named John F. Kennedy.

Quotations from Senator Hennings' well documented speeches throughout this struggle would make even more clear the crucial part he played. For example, when Senator Butler presented his amendments to the Jenner bill, it was the senior Senator from Missouri who summarized the objections to

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19. *Id.* at 18928.
20. *Id.* at 19576.
21. Dilliard, *op. cit. supra* note 1.
22. *Ibid.*
23. *Ibid.*

the Butler plan of "jurisdictional pertinency" with respect to questions put to witnesses by congressional investigating committees.

Senator Hennings said that it would be "unwise if not unconstitutional" for Congress to make a final determination of *any* element going into the crime of contempt. He continued:

> Congress has placed upon the Federal courts the duty of punishing for contempt of Congress. Pertinency of the question asked by a committee has been established by the Congress as an essential element of the crime. In my opinion, all elements of a crime should be decided judicially by the court and the jury.[24]

It was the Hennings view of this important matter that prevailed and the entire nation can be grateful that he was in the Senate at the time to provide the necessary leadership.

An unexpected complication arose early in 1958 in connection with the lectures that Learned Hand, the late former Chief Judge of the United States Court of Appeals at New York City, delivered at the Harvard University Law School. Senator Hennings met this complication directly, and in the end it helped rather than hindered him and his colleagues in turning back the attack on the Supreme Court.

After resisting the invitation for many years, the distinguished Judge Hand accepted the request of his own university and law school that he present the Oliver Wendell Holmes Lectures at Cambridge in 1958. Wholly by accident the dates, February 4, 5 and 6, fell early in the session in which the anti-Supreme Court forces marshalled their strongest efforts. The lectures were hardly given by the eighty-six year old dean of the federal judiciary before they were being claimed by the Jenner-Butler forces as ammunition for their side.

This misapplication was facilitated by the fact that the Hand lectures were almost immediately published in book form.[25] An article by William Henry Chamberlin in *The Wall Street Journal*[26] was representative of the writings which inducted Judge Hand into the anti-Supreme Court ranks. Chamberlin wrote that the Hand lectures in memory of Justice Holmes—certainly a most notable forum and occasion—supported the view of the congressional critics that the Supreme Court under Chief Justice Earl

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24. 104 CONG. REC. 18686 (1958).
25. HAND, THE BILL OF RIGHTS (1958).
26. Chamberlin, *Lawmakers in Black?*, Wall Street J., March 28, 1958, p. 8, col. 5.

Warren had set itself up as "a third legislative chamber" and in so doing had "exceeded its proper scope in some recent cases."

Enough other newspaper writers and pro-Jenner bill Senators similarly cited Judge Hand's lectures to give much concern to Senator Hennings and his associates who needed the support, rather than seeming opposition, of so noted a philosopher of the law as Learned Hand. As chairman of the Senate Judiciary Subcommittee on Constitutional Rights, Senator Hennings wrote to Judge Hand to ask him to comment specifically on the Jenner bill for the benefit of the subcommittee members. Judge Hand replied:[27]

> My dear Senator:
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> I have your letter of May 2 with its enclosure. Being still a United States Judge, although retired, I should be unwilling to give any opinion on the constitutional issues raised by Sections I, II, and IV of the proposed statute. I do not feel the same compunction, however, in expressing my opinion that such a statute if enacted would be detrimental to the best interests of the United States. It seems to me desirable that the Court should have the last word on questions of the character involved. Of course, there is always the chance of abuse of power where ever it is lodged, but at long last the least contentious organ of government generally is the Court. I do not, of course, mean that I think it is always right, but some final authority is better than unsettled conflict.
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> I fear that this will not be much value to you, but for what it may be worth I am sending it.

This testimony from Judge Hand was of inestimable value to Senator Hennings and his colleagues. The letter was widely circulated, reported and commented on. It set Judge Hand's position straight before the country and particularly in Congress. Properly enough there was much appreciation for the alertness of Senator Hennings in obtaining from Learned Hand his adverse judgment on the Jenner bill and his support for the Supreme Court as the correct institution to hear and decide appeals of the kind in question.

Earlier in the McCarthy era, when the all too common thing was to discount, if not to decry, historic American civil liberties, Senator Hennings led the Senate in the creation of the special Judiciary Subcommittee on Constitutional Rights. As chairman he had charge of the assembly of an able and dedicated staff and outstanding counsel.[28] He conducted the hear-

27. THE SPIRIT OF LIBERTY: PAPERS AND ADDRESSES OF LEARNED HAND 299-301 (Dilliard ed. 1960).

28. For an estimation of Senator Hennings' service as chairman of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee see an especially valuable new book in this field, BARTH, THE PRICE OF LIBERTY 42 (1961).

ings of the subcommittee in such a way as to awaken many American citizens to the dangerous and often subtle attack on their rights by officials who either did not care about ultimate effects or who themselves were ready to subvert constitutional principle.[29]

Whenever the assault was launched against the freedoms guaranteed in the Bill of Rights there appeared Senator Hennings to defend the people's heritage of liberty. He took up arms against the invasion of privacy by the "dirty business" of wiretapping; against refusal of passports by officials who seemed to regard passports as weapons to be used in the Cold War rather than instruments to facilitate travel; against inhumane deportations and exclusions of refugees and other worthy applicants to our shores; against unreasonable searches and seizures and against the mixing of church and state. He worked indefatigably for a bill to make public access to information on the public's business the rule in the departments and agencies of the federal government. When the public information law was enacted no one deserved more credit thaen Senator Hennings and few were entitled to as much. He was quick to detect official conduct that might be suited to totalitarian regimes in dictator controlled countries but which had no place in the free United States of America which he helped round out to fifty states bound together by a Constitution, a Bill of Rights and a common heritage of liberty.

There was yet another area that concerned the Supreme Court's prestige and dignity in which Senator Hennings worked very hard. That was in connection with appointments to the Supreme Court which, for one cause or another, languished somewhere inside the Judiciary Committee of the Senate.[30] For the fact is that although he was a Democrat and the confirmation of President Eisenhower's appointees to the federal judiciary was a responsibility of the Republicans in the Senate, it was Democratic Senator Hennings who repeatedly supported judicial nominations that either were being shot at by some Republicans or were being ignored by them.

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29. There are many references to Senator Hennings' services in the civil liberties field in the volume of *Memorial Services,* a transcript of the services held in the Senate and House of Representatives, together with remarks presented in eulogy in the 86th Cong., 2d Sess. This publication was prepared under the direction of the Joint Committee on Printing and was published by the Government Printing Office in August of 1961.

30. The attacks on the nominations of Mr. Chief Justice Warren and Mr. Justice Harlan are described in Dilliard, *Warren and the New Supreme Court,* Harper's, Dec. 1955, pp. 59-64.

After the 1952 presidential election, the Republicans were in control of Congress for the 1953-1954 session. This vaulted the late Senator William Langer of North Dakota to chairmanship of the Judiciary Committee of the Senate. The cantankerous North Dakotan was soon at loggerheads with the Justice and Post Office Departments over federal appointments in his state. When Chief Justice Fred M. Vinson died, the Senate was not in session. President Eisenhower, against the advice of five members of the Harvard law faculty, declined to call a special session of the Senate to act on the nomination of Earl Warren, then Governor of California. When the Warren appointment arrived from the White House, Senator Langer appointed himself as chairman of the subcommittee to consider the nomination. Having put himself in charge at the first level, Senator Langer then shoved the appointment deep into the subcommittee's pigeonhole.

As the weeks went by, the White House became irritated by this treatment for a leading public figure who had been installed as Chief Justice of the United States. Senator Langer added insult to injury by calling for a full-fledged F.B.I. investigation of Earl Warren's career. But this delaying tactic did not satisfy the Republican from North Dakota and so he demanded that the Judiciary Committee examine one by one the complaints expressed in many scores of frivolous letters. When the second session of the 83rd Congress met in January 1954, Senator Langer was in no more of a hurry. The Republican leadership naturally tried to get action on this major appointment that already dated back some four months. Senator Langer met the White House display of proper concern by reading into the *Congressional Record* ten "unevaluated" charges against the Chief Justice. If these wild assertions were to be believed, Earl Warren "owned and operated an escrow racket," had a "100 per cent record of following the Marxist revolutionary line," was once under the "domination of a notorious liquor lobbyist," and had "knowingly appointed dishonest persons as judges and thereafter elevated them."

Up to this time in the 1953 term little had been done by the Supreme Court except to hand down a few decisions in minor cases. Major tests were postponed to avert the danger that an important decision might provoke a fight over the Chief Justice's confirmation. At this time Senator Hennings was in the minority in Congress and there was little that a minority Senator could do overtly to help bring about confirmation when the majority was inactive.

Senator Langer's assault on the good name of the Chief Justice brought

the majority around with a start. Vice-President Nixon demanded an investigation. Senator William F. Knowland of California, who had been appointed to the Senate by Governor Warren, denounced the public airing of "unsworn, irresponsible, and untrue charges" as the "most shocking event I have observed in eight years in the Senate." The Democrats, who for years had been on the receiving end of charges with about as little substance, might have kept silent. Instead many of them spoke up strongly for the Chief Justice. One of those who backed Earl Warren heartily from the Democratic side was Thomas C. Hennings, Jr. He worked for confirmation and helped bring it about—five months after Chief Justice Warren first presided over the high bench.

In the next term Justice John Marshall Harlan of New York was appointed to succeed Justice Robert H. Jackson, also of New York, after the latter's death. But Senator Langer again threw up roadblocks.[31] These and other objections were enough to keep Justice Harlan off the bench and the court short of its ninth member for more than half the term. This time Senator Langer complained that Justice Harlan did not come from one of seven states which had not been represented on the Supreme Court—the two Dakotas, Montana, Idaho, Nevada, Arizona and Florida. Until a Supreme Court appointment recognized one of these states he said he would not cast a confirming vote.

Justice Harlan was also opposed on the grounds that, as a former Rhodes scholar, he was an internationalist. And, too, he was opposed by a group of southern Senators who knew that his grandfather, the first Justice John Marshall Harlan, was the lone dissenter in the 1896 decision that upheld Jim Crow railroad cars.[32]

By this time the Democrats were in control of Congress and Senator Hennings was in a position to do much more to obtain confirmation. He appreciated fully the handicap of leaving the ninth seat vacant so long in a period of close divisions. He also was aware that a second such assault on the dignity of the Supreme Court from the Senate chamber was harmful to its prestige and reputation. So he worked to get the nomination of Justice Harlan through the committee and soon thereafter confirmed, 71 to 11.

One more instance will suffice to show how mightily Senator Hennings contributed year after year to getting Eisenhower judicial appointments

31. *Id.* at 59.
32. Plessy v. Ferguson, 163 U.S. 537 (1896).

their proper consideration in committee and finally to the Senate floor for a vote.

In 1954 President Eisenhower appointed Simon E. Sobeloff of Maryland to be Solicitor General. About a year later the President sent the name of the exceedingly able Mr. Sobeloff to the Senate as Judge of the Federal Court of Appeals at Baltimore (Fourth Circuit). Although the nominee was eminently qualified for the judicial post, southern objectors were afraid of his racial views. They allowed the appointment to gather dust in committee until Senator Hennings literally dug it out with his own hands. There is a strong probability that had not the Missouri Senator done this yeoman work the nomination of Judge Sobeloff would have been smothered to death in committee. Since 1958 Simon E. Sobeloff has been Chief Judge of the court on which he sits.

This recital does not begin to exhaust the list of Senator Hennings' services in behalf of the United States judiciary.[33] Nor does it adequately convey an appreciation of how much Senator Hennings did for the good name of the United States courts even in the instances cited. In the opinion of this writer, it is not too much to say, by way of summary, that not in the entire history of the Supreme Court has one Senator, in a span of a decade, done more to protect our highest bench against wilful detractors, on the one hand, and, on the other, to look out for its best interests in the legislative branch so that the apex of the judiciary might go forward in the discharge of its great responsibilities in our free society.

33. Many of these good works are referred to in the daily newspapers following the death of Senator Hennings. See, *e.g.*, N.Y. Times, Sept. 14, 1960, p. 1, col. 1; Washington Post, Sept. 14, 1960, § D, p. 4, col. 1; Washington Evening-Star, Sept. 14, 1960, § B, p. 4, col. 5; St. Louis Post-Dispatch, Sept. 14, 1960, p. 1, col. 1; St. Louis Globe-Democrat, Sept. 14, 1960, p. 1, col. 8; Kansas City Star, Sept. 14, 1960, § A, p. 9, col. 3; Kansas City Star, Sept. 16, 1960, § A, p. 22, col. 1; Escoe, *Tom Hennings as I Knew Him*, St. Louis Argus, Kansas City Call, Oct. 14, 1960.